



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

MM92/0828

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/261,221	03/03/99	1049	LESTER, E	2873 08/28/00
First Named Applicant	HAIR,	95 USC 154(b) EPRM EXC. - 0 days		

TITLE OF INVENTION: OPTICAL VENO-SENSING SYSTEM FOR CONTROL OF VENDING MACHINE

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2 PMS 241416	250-223.000	R39	UTILITY	YES	\$605.00	11/28/00

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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UNITED STATES DEPARTMENT OF COMMERCE
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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/261,221 03/03/99 HAIR

J PMS-241416

EXAMINER

MM92/0828

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LESTER, E

ART UNIT

PAPER NUMBER

2873

DATE MAILED:
08/28/00

4/B

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Allowability

Application No.
09/261,221

Applicant(s)

Hair et al

Examiner

E.A. Lester

Group Art Unit

2873



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to the election made on 8-10-00 and amendment filed (faxed) on 8-9-00

☒ The allowed claim(s) is/are 1-33, 38, 39, 58-67, and 75-78

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☒ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Georgia Epps
Supervisory Patent Examiner
Technology Center 2800

Art Unit: 2873

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-33, 38, 39, 58-67 and 75-78, drawn to an optical sensor or vend sensing system, classified in class 250, subclass 223R.
 - II. Claims 34-37, 40-57 and 68-74, drawn to method of detecting a dispensed article, classified in class 221, subclass 1.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method of detecting recites limitations which are not required of the vend sensing or optical sensor devices, such as selecting a detection threshold and comparing a plurality of signals. The vend sensing and optical sensor devices do not rely on the details of the method for patentability.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, as well as, the search required

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for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Timothy J. Klima (reg.no.34,852) on August 10, 2000 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-33, 38, 39, 58-67 and 75-78. Affirmation of this election must be made by applicant in replying to this Office action. Claims 34-37, 40-57, and 68-74 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312.

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To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

7. The application has been amended as follows:

The following was inserted before line 1 on page 1 of the specification:

B. This application claims priority from provisional United States application 60/083,522, filed on April 29, 1998, the entire contents of which are incorporated herein by reference.

This application is in condition for allowance (note Reasons for Allowance) except for the presence of claims 34-37, 40-57 and 68-74 to the invention non-elected without traverse. Accordingly, claims 34-37, 40-57 and 68-74 have been cancelled.

Also, the following changes were made to claims 1 and 58, in order to correct obvious deficiencies, and do not effect the scope of the claims:

In claim 1 (lines 19-20) and claim 58 (lines 14-15), "the respective at least one motor-powered mechanism" was changed to ---a respective at least one motor-powered mechanism---;

In claim 1 (line 22) and claim 58 (lines 16-17), "said machine control computer" was changed to ---said machine control unit---.

In claim 20, line 1, the second period after "20.." was deleted.

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REASONS FOR ALLOWANCE

8. The following is an examiner's statement of reasons for allowance:

The prior art does not show or fairly suggest the claimed invention of an optical vend sensing system and an optical sensor having the claimed structure and claimed limitations, wherein a rejection under 35 USC 102 or 103 would be improper. Please particularly note the combination of claimed elements and limitations which includes a collector body and an emitter working together with the control circuitry in which the prior art does not show or fairly suggest.

Therefore, the claimed invention is considered to be in condition for allowance as being novel and nonobvious over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Drawings

9. The drawings filed on 3-3-99 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required.

10. The application having been allowed, formal drawings are required in response to this Office action.

B

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Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chigira (U.S. patent 5,625,198), Percy et al (U.S. patent 5,651,476) and Truitt et al (U.S. patent 5,927,539) are all U.S. Patents directed to various vending machine configuration utilizing sensing techniques.

Hashimoto (Japanese patent 9-326075) and Igarashi (Japanese patent 2-257386) are both Japanese patents directed to vending machine configurations.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to E.A. Lester whose telephone number is (703) 308-4943. The examiner can normally be reached on Monday-Friday (except for first Fridays of a biweek) from about 8:30 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on (703) 308-4883. The fax number for Technology Center 2800 is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Evelyn A. Lester
Patent Examiner
AU 2873
August 28, 2000



Georgia Y. Epps
Supervisory Patent Examiner
Technology Center 2800

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